

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49852 of 2025

Arising Out of PS. Case No.-130 Year-2024 Thana- SAHIYARA District- Sitamarhi

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1. Nirmala Devi W/o Kishun Rai @ Kisun Ray R/o Village- Dhumha, PS- Sahiyara, District- Sitamarhi
 2. Pramod Rai @ Pramod Kumar S/o Kishun Rai @ Kishun Ray R/o Village- Dhumha, PS- Sahiyara, District- Sitamarhi
 3. Kishun Rai @ Kisun Ray S/o Late Sufal Ray @ Sufal Rai R/o Village- Dhumha, PS- Sahiyara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Adv.
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Sahiyara P.S. Case No. 130 of 2024 registered for the offences punishable under Sections 80 and 3(5) of the B.N.S., 2023.

3. Allegedly, marriage of the daughter of the informant was solemnized with the son of the petitioners no.1 and 3 and the couple blessed with two children; however, the accused persons kept on demanding dowry and on account of non-fulfillment of the same, she was subjected to torture in various ways and finally done to death.



4. Learned Advocate for the petitioners submitted that the petitioners are none else but the parents-in-law and brother in law; there is omnibus allegation against all the accused persons, including the husband, who has been accorded privilege of regular bail. He further contended that in course of investigation, it has come that on account of some trifle, the deceased was committed suicide. He also submitted that on hulla being raised the villagers assembled there and broken the door and thereafter the dead body was brought outside. Referring to the materials available on record, submission has further been made that the inquest as well as the postmortem report clearly suggest that no internal or external injuries were found over the dead body; moreover, in the postmortem it has come that there is a 'v' shape mark found on the neck of the deceased and thus suggestive of suicide. Taking note of the entire facts, the police has submitted final report and did not send up the petitioners on trial but on protest petition filed by the informant, the learned Court has taken cognizance; hence, the present application for anticipatory bail. Moreover, the petitioners bear fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the deceased was done to death within five years of her marriage



and soon before her death, there was a demand of dowry and the death is under suspicion circumstances; hence, the dowry death cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the materials collected during the course of investigation, coupled with the postmortem report as well as the fact that the police has submitted final report showing the petitioners innocent and later on differing with the police report, learned Court has taken cognizance on the protest petition, apart from the fair antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Sitamarhi in connection with Sahiyara P.S. Case No. 130 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S. with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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